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[Ed. Note.—For other cases, see 10 Va.-W. Va. Enc. Dig. 783, 789.]

9. Vendor and Purchaser (§ 260 (1)*)—Priority of Vendor's Lien.—No lien or incumbrance on land created or suffered by its purchaser could prejudice the vendor's prior lien for the purchase money.

[Ed. Note.—For other cases, see 13 Va.-W. Va. Enc. Dig. 573, 574.]

Appeal from Circuit Court, Wise County.

Suit by C. F. Hagan, trustee, against W. H. Roberts and another. From a decree for complainant, the named defendant appeals. Reversed, and cause remanded, with directions.

E. M. Fulton, of Wise, for appellant.

Bond & Bruce, of Wise, for appellee.

MARTIN *v.* COMMONWEALTH. (No. 1.)

Sept. 20, 1917.

[93 S. E. 623.]

Physicians and Surgeons (§ 6 (5)*)—Offenses—"Practicing Medicine" without License.—Acts 1916, c. 84, § 11, declares that nothing in the act shall be construed to affect any nonitinerant person or manufacturer, who mechanically fits or sells lenses, artificial eyes, etc., or is engaged in a mechanical examination of eyes for the purpose of adjusting spectacles, etc. Section 12 declares that any person shall be regarded as "practicing medicine," within the meaning of the act, who shall use in connection with his name the words or letters "Dr.," "Doctor," "Professor," "M. D.," or "Healer," or any other title, word, letter, or designation, intending to designate him as a practitioner of medicine, or of being able to heal, cure, or relieve those suffering from injury or disease. Accused obtained for himself and his associates a charter of incorporation under the name of "Dr. J. Harry Martin, Incorporated," and displayed on the front door and windows of his place of business the name "Dr. J. Harry Martin, Incorporated, Eyes Exclusively," and "Dr. J. Harry Martin, Incorporated, Optometrist." Held that as the business legend clearly indicated accused was engaged only in fitting glasses, he was not guilty of practicing medicine without having obtained a license.

[Ed. Note.—For other definitions, see Words and Phrases, First and Second Series, Practice of Medicine.* For other cases, see 11 Va.-W. Va. Enc. Dig. 203.]

Error to Corporation Court of Roanoke.

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.

J. Harry Martin was convicted of practicing medicine without first procuring a certificate from the Board of Medical Examiners, and he brings error. Reversed.

Hairston, Hairston & Woodrum, of Roanoke, for plaintiff in error.

The Attorney General, for the Commonwealth.

MARTIN v. COMMONWEALTH. (No. 2.)

Sept. 29, 1917.

[93 S. E. 624.]

Error to Corporation Court of Roanoke.

J. Harry Martin was convicted of crime, and he brings error. Reversed.

Hairston, Hairston & Woodrum, of Roanoke, for plaintiff in error.

The Attorney General, for the Commonwealth.

(*Reversed without opinion upon the authority of Martin v. Commonwealth*, 93 S. E. 623.)

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.